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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/548,235

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11/15/2006

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EXAMINER

WINDER, PATRICE L

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/548,235

Applicant(s)

LEVERGOOD ET AL.

Examiner

Patrice Winder

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-41 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3-28-05;11-21-05;7-24-06.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☒ Other: IDS 6-8-06;8-17-06;9-11-06.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 4, 6 and 35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant's specification does not provide a bridge between the steps of determining the number of hits, hyperlinks, sales and "charging for advertising" based on the number of hits, hyperlinks and sales.

Oath/Declaration

3. A new or supplemental oath/declaration was received on October 6, 2006.

Specification

4. The disclosure is objected to because of the following informalities: the specification incorporates by reference the essential subject matter reference in Applicant's argument on page 15 of the remarks filed on August 8, 2006.

Appropriate correction is required.

Response to Affidavit

5. The affidavit filed on August 8, 2006 under 37 CFR 1.131 is sufficient to overcome the Catledge reference.

Response to Arguments

6. Applicant argues Welz is not a valid reference, as relevant date cannot be established. The examiner disagrees at least for the reason that Applicant cites October 1994 as its relevant date in the IDS filed on March 24, 2005.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson et al., USPN 5,819,092 (hereafter referred to as Ferguson).

9. Regarding claim 1, Ferguson taught a method of charging for advertising on the Web (column 18, lines 30-39), comprising:

determining link traversals leading to a page (column 28, lines 58-59, 64-65); and

charging for advertising based on link traversals to the page (column 31, lines 8-12).

10. Regarding dependent claim 2, Ferguson taught wherein charging for advertising is based on the number of link traversals from an advertising page to a product page (column 31, lines 22-25).

11. Regarding dependent claim 3, Ferguson taught wherein charging for advertising is based on the number of sales resulting from a path including an advertising page (column 22, lines 25-38; column 31, lines 8-12).

12. Regarding claim 4, Ferguson taught a method of evaluating the effectiveness of advertising on the Web (column 18, lines 30-39), comprising:

determining link traversals leading from an advertisement to a page (column 32, lines 48-53); and

measuring the number of sales resulting from link traversals from the advertisement to the page (column 31, line 60-column 32, line 4).

13. Regarding claim 5, Ferguson taught a method of evaluating the effectiveness of advertising on the Web (column 18, lines 30-39), comprising:

determining link traversals leading from an advertisement to a page (column 26, lines 9-24; column 28, lines 52-65); and

measuring the number of transactions resulting from link traversals from the advertisement to the page (column 31, lines 8-12).

14. Regarding claim 6, Ferguson taught a method for charging for advertising on the Web, comprising (column 18, lines 30-39):

tracking access history, including a link sequence through which a document is accessed (column 37, line 61-column 38, line 4);

determining, based on the access history, link traversals from a first document to a second document (column 32, lines 48-53);

determining a number of such determined link traversals leading from the first document to the second document (column 32, lines 57-64); and

charging for advertising based on the number of link traversals to the second document (column 32, lines 65-66; column 33, lines 1-4).

15. Regarding dependent claim 7, Ferguson taught wherein a link traversal is determined responsive to two entries in the access history, a first entry corresponding to a request from a given user for the first document and a second entry corresponding to a request from the given user for the second document (column 32, lines 48-53).

16. Regarding dependent claim 8, Ferguson taught wherein the first document is an advertising page and the second document is a product page (column 13, lines 48-64).

17. Regarding dependent claim 9, Ferguson taught counting the number of sales resulted from a traversed path which includes the advertising page (column 32, lines 43-44, 48-53), wherein charging for advertising is based on the number of said sales (column 15, lines 50-59).

18. Regarding dependent claim 10, Ferguson taught counting the number of purchases resulting from link traversals from the advertisement to the second page (column 15, lines 50-59; column 37, line 61-column 38, line 4), the number of such purchases being a measure of advertising effectiveness (column 38, lines 8-13).

19. Regarding dependent claim 11, Ferguson taught counting the number of transactions resulting from link traversals from the advertisement to the second page (column 15, lines 50-59; column 37, line 61-column 38, line 4), the number of such purchases being a measure of advertising effectiveness (column 38, lines 8-13).

20. Regarding dependent claim 12, Ferguson taught filtering transaction logs from at least one server for a particular user to produce the access history (column 36, lines 63-67).

21. Regarding dependent claim 13, Ferguson taught recording the link traversals in a transaction log (column 37, line 61-65).

22. Regarding dependent claim 14, Ferguson taught the transaction log is stored on a server (column 37, lines 53-60).

23. Regarding dependent claim 15, Ferguson taught wherein the step of determining link traversals leading to a page is performed by evaluating an access history profile (column 37, lines 44-52).

24. Regarding dependent claim 16, Ferguson taught the access history profile is produced by filtering transaction logs from one or more servers to select only transactions involving a particular user ID (column 35, lines 49-52; column 36, lines 63-67).

25. Regarding dependent claim 17, Ferguson taught monitoring the frequency and duration of access to the page (column 36, lines 63-67; column 37, lines 23-27).

26. Regarding dependent claim 18, Ferguson taught recording the frequency and duration of access to the page in a transaction log stored on a server (column 37, lines 61-67).

27. Regarding dependent claim 19, Ferguson taught counting accesses to the page exclusive of repeated requests from a common client (column 37, lines 66-67).

28. Regarding dependent claim 20, Ferguson taught wherein the counting is performed by the server (column 37, lines 53-60).

29. Regarding dependent claim 21, Ferguson taught counting the frequency of accesses to the page (column 37, lines 65-67); measuring the time intervals between repeated accesses from a common client (column 37, lines 16-22, 67); and excluding the counting of those accesses that fall within a defined period of time (column 38, lines 3-4).

30. Regarding dependent claim 22, Ferguson taught the counting is performed by the server (column 37, lines 53-60).

31. Regarding dependent claim 23, Ferguson taught keeping a history of each client access in a transaction log (column 37, lines 61-65);

wherein determining the link traversals leading from an advertisement to a page is performed based on information in the transaction log (column 31, lines 22-25; column 38, lines 2-3).

32. Regarding dependent claim 24, Ferguson taught the transaction log is stored on a server (column 37, lines 53-60).

33. Regarding dependent claim 25, Ferguson taught determining the link traversals leading from an advertisement to a page is performed by evaluating an access history profile produced from information in a transaction log (column 31, lines 22-25; column 38, lines 2-3).

34. Regarding dependent claim 26, Ferguson taught determining the link traversals leading from an advertisement to a page is performed by evaluating a plurality of access history profiles produced from information in a plurality of transaction logs (column 37, line 61-column 38, line 4).

35. Regarding dependent claim 27, Ferguson taught the access history profile is produced by filtering transaction logs from one or more servers to select only transactions involving a particular user ID (column 35, lines 49-52; column 36, lines 63-67).

36. Regarding dependent claim 28, Ferguson taught keeping a history of each client access in a transaction log (column 37, lines 61-65);

wherein determining the link traversals leading from an advertisement to a page is performed based on information in the transaction log (column 31, lines 22-25; column 38, lines 2-3).

37. Regarding dependent claim 29, Ferguson taught the transaction log is stored on a server (column 37, lines 53-60).

38. Regarding dependent claim 30, Ferguson taught determining link traversals leading from an advertisement to a page is performed by evaluating an access history

profile produced from information in a transaction log (column 31, lines 22-25; column 38, lines 2-3).

39. Regarding dependent claim 31, Ferguson taught determining link traversals leading from an advertisement to a page is performed by evaluating an access history profile produced from information in a plurality of transaction logs (column 37, lines 44-52).

40. Regarding dependent claim 32, Ferguson taught the access history profile is produced by filtering transaction logs from one or more servers to select only transactions involving a particular user ID (column 35, lines 49-52; column 36, lines 63-67).

41. Regarding dependent claim 33, Ferguson taught the access history is derived from a transaction log (column 37, lines 53-60).

42. Regarding dependent claim 34, Ferguson taught the transaction log is stored on a server (column 37, lines 53-60).

43. Regarding dependent claim 35, Ferguson taught recording the frequency and duration of access to the page by keeping a history of each client access to the page in a transaction log (column 36, lines 63-67; column 37, lines 23-27);

producing an access history from the transaction log (column 37, lines 44-52);

providing marketing feedback based on the access history (column 34, lines 10-16; column 37, lines 6-14).

44. Regarding dependent claim 36, Ferguson taught the marketing feedback is selected from the group consisting of: user demand, access pattern, and relationships

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between customer demographics and accessed pages and access patterns (column 37, lines 6-14).

45. Regarding dependent claim 37, Ferguson taught evaluating the transaction log to identify the most popular links to the page (column 38, lines 1-4).

46. Regarding dependent claim 38, Ferguson taught inserting a new link to provide more direct access to the page (column 18, lines 40-49; column 38, lines 5-10).

47. Regarding dependent claim 39, Ferguson taught the new link is inserted in a location based upon information contained in the transaction log (column 38, lines 5-10).

48. Regarding claim 40, Ferguson taught a system of charging for advertising on the Web (column 18, lines 30-39), comprising:

means for determining link traversals leading to a page (column 28, lines 58-59, 64-65); and

means for charging for advertising based on link traversals to the page (column 31, lines 8-12).

49. Regarding dependent claim 41, Ferguson taught a system for charging for advertising on the Web (column 18, lines 30-39), comprising:

means for tracking access history, including a link sequence through which a document is accessed (column 37, line 61-column 38, line 4);

means for determining, based on the access history, link traversals from a first document to a second document (column 32, lines 48-53);

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means for determining a number of such determined link traversals leading from the first document to the second document (column 32, lines 57-64); and

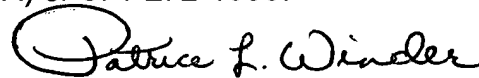
means for charging for advertising based on the number of link traversals to the second document (column 32, lines 65-66; column 33, lines 1-4).

Conclusion

50. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Patrice Winder
Primary Examiner
Art Unit 2145

November 13, 2006